

EXHIBIT M

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST LITIGATION

Civil No. 18-cv-01776 (JRT/HB)

This Document Relates To:

**AMENDED JBS USA FOOD
COMPANY'S DISCLOSURES
PURSUANT TO THE COURT'S
FEBRUARY 7, 2019 ORDER [DKT. 290]**

ALL ACTIONS

INTRODUCTION

Defendant JBS USA Food Company ("JBS USA"), by and through its undersigned counsel, makes the following amended disclosures pursuant to the Court's February 7, 2019 Order Regarding Disclosure of Information (Dkt. 290) ("Disclosure Order").¹

JBS USA makes these limited disclosures based upon the information reasonably available to it at this time. JBS USA's investigation into the claims and defenses in this case is ongoing. Accordingly, although JBS USA does not assume any duty to supplement these limited disclosures, these disclosures are provided without prejudice to JBS USA's right to supplement, modify, or amend these disclosures as additional information becomes available through discovery and/or further investigation in accordance with applicable law. Further, by providing these limited disclosures, JBS USA does not waive any of its dismissal arguments nor concede it should be a party to this dispute.

These limited disclosures are based on JBS USA's reasonable efforts to identify documents and/or information potentially responsive to the Disclosure Order for "the period January 1, 2007 to June 30, 2018 to the extent such documents exist and are readily available." Disclosure Order

¹ Pursuant to the parties' agreement and the Court's Order on Defendants' Motion to Stay at 5, 7 (Dkt. 289), JBS USA Food Company Holdings is not required to provide disclosures at this time.

at 1. The Court has not determined (and JBS USA does not concede) that any of the information disclosed is relevant to this dispute. Disclosure Order at 1, n.1. As set forth in the Disclosure Order, JBS USA is not making any representations regarding whether it may use any documents, people, or information disclosed in support of its claims or defenses and is not agreeing that the persons and sources disclosed possess information relevant to the claims or defenses at issue in this action. *Id.*

These limited disclosures are for the purpose of preliminary discovery only, and are not an admission or acceptance that any disclosure, fact, or document is discoverable, relevant, or admissible into evidence. In making these limited disclosures pursuant to this Disclosure Order, JBS USA is not waiving any applicable privileges or protections from disclosure or discovery, any evidentiary objections, or any claims of confidentiality and rights or obligations pursuant to any protective orders concerning the disclosure of documents and/or information herein. JBS USA reserves all rights, including, but not limited to, the right to object to the (1) production in discovery and/or admissibility at trial of any information contained in or derived from these disclosures; and (2) use of any information or documents disclosed for any purpose other than litigating this dispute. Nothing in these disclosures is an admission or concession on the part of JBS USA with respect to any issues of fact or law.

Subject to the objections and qualifications contained herein, JBS USA provides the following limited disclosures.

LIMITED DISCLOSURES

A. Disclosure Order (a)(i): Organizational Charts

JBS USA previously produced readily available organizational charts that were created in the ordinary course of its business, which were endorsed with Bates numbers JBS-PORK-

00000001 – JBS-PORK-00000031. In connection with these limited disclosures and pursuant to the Disclosure Order, JBS USA has already supplemented and hereby further supplements that production with additional organizational charts created in the ordinary course of its business that it has located, which are endorsed with Bates numbers JBS-PORK-00000032 – JBS-PORK-00000286 and JBS-PORK-00000307 – JBS-PORK-00000321. These documents have been marked “Confidential” pursuant to the terms of the Protective Order filed on November 26, 2018 (Dkt. 212) (the “Protective Order”). Collectively, these organizational charts are sufficient to show most of the information requested by subparts (a)(i)(1) – (7) of the Disclosure Order for each year at issue other than as set forth as follows.

1. Disclosure Order (a)(i)(1): Members of JBS USA’s Board of Directors

JBS USA does not maintain an organizational chart in its normal course of business sufficient to show the names and titles of individuals who have served as members of its board of directors. Based upon the information readily available to JBS USA at this time and without prejudice to or waiver of JBS USA’s right to supplement, modify, or amend these disclosures as its investigation and discovery in this matter continue, JBS USA discloses the names of the following persons who served as members of the board of directors of JBS USA or related predecessor entities between January 1, 2007 and June 30, 2018.

- Joesley Mendonca Batista, Director (2007 – 2017)
- Wesley Mendonca Batista, Director (2007 – 2017)
- Jose Batista Junior, Director (2007 – 2012)
- Andre Nogueira, Director (2015 – Present)
- Denilson Goncalves Molina, Director (2017 – Present)
- Gilberto Tomazoni, Director (2017 – Present)

2. Disclosure Order (a)(i)(2): Executives/Administrative Assistants

In addition to the information contained within the above-referenced organizational charts produced by JBS USA, based upon the information readily available to JBS USA at this time, and without prejudice to or waiver of JBS USA's right to supplement, modify, or amend these disclosures as its investigation and discovery in this matter continue, JBS USA discloses the names and titles of the following persons who served as executives with the title of Director, Vice President, or higher (such as SVP, CEO, COO, CFO, etc.) and had responsibilities related to pork, as well as their administrative assistants or secretaries between January 1, 2007 and June 30, 2018.

Name	Title	Time Period	Administrative Assistant
Wesley Mendonca Batista	President & Chief Executive Officer	July 2007 – 2010	Valerie Richards
Martin Dooley	Pork President & Chief Operating Officer	2007 – Present	Rachelle Fisher (June 2018 – Present); Bonnie Sisneros (December 2010 – June 2018)
Don Jackson	President & Chief Executive Officer	December 2010 – December 2012	Valerie Richards
Jason Kuan	President, Case Ready Business	August 2014 – April 2017	
Andre Nogueira	Chief Financial Officer;	July 2007 – January 2012	Erin Becker (April 2011 – August 2011)
	President & Chief Executive Officer	January 2013 – Present	Valerie Richards (January 2013 – Present)
Denilson Goncalves Molina	Chief Financial Officer	2012 – Present	Erin Becker (2012 – April 2017); Alyssa Hefner (May 2017 – December 2017); Martha Lopez (March 2018 – Present)
Brian Piedmonte	President, Case Ready Business	May 2017 – Present	

3. Disclosure Order (a)(i)(3): Investor/Creditor Relations

In addition to the information contained within the above-referenced organizational charts produced by JBS USA, based upon the information readily available to JBS USA at this time, and without prejudice to or waiver of JBS USA's right to supplement, modify, or amend these disclosures as its investigation and discovery in this matter continue, JBS USA discloses the names and titles of the following persons with responsibility for investor/creditor relations and who had responsibilities related to pork between January 1, 2007 and June 30, 2018.

- Wesley Mendonca Batista, President & Chief Executive Officer (July 2007 – 2010)
- Cameron Bruett, Corporate Communications, Industry Affairs & Sustainability (2012 – Present)
- Don Jackson, President & Chief Executive Officer (December 2010 – December 2012)
- Denilson Goncalves Molina, Chief Financial Officer (2012 – Present)
- Andre Nogueira, Chief Financial Officer (January 2007 – January 2012); President & Chief Executive Officer (January 2013 – Present)

4. Disclosure Order (a)(i)(4):

a) Agri Stats/USDA Reporting

In addition to the information contained within the above-referenced organizational charts produced by JBS USA, based upon the information readily available to JBS USA at this time, and without prejudice to or waiver of JBS USA's right to supplement, modify, or amend these disclosures as its investigation and discovery in this matter continue, JBS USA discloses the names and titles of the following persons who had primary responsibility for managing or overseeing the reporting and transmitting of data directly to and from Agri Stats relating to pork pricing, supply, slaughter, inventory, export, or production levels between January 1, 2007 and June 30, 2018.

- Garry Albright, Head of Business Analysis, Transportation, Scheduling
- Sara Armstrong, Manager of Division Accounting

- Kevin Arnold, Head of Finance
- Jamie Fosbery, Analyst
- Jeanie Foster, Cost Accountant
- Raven Goodlow, Business Analyst
- Robbie Kearns, Business Analyst
- Lisa Peters, Business Analyst
- Greg Willet, Accountant
- Eli Zoske, Cost Accountant

In addition to the information contained within the above-referenced organizational charts produced by JBS USA, based upon the information readily available to JBS USA at this time, and without prejudice to or waiver of JBS USA's right to supplement, modify, or amend these disclosures as its investigation and discovery in this matter continue, certain data relating to pork pricing, supply, slaughter, inventory, export, or production levels is automatically transmitted from JBS USA to the USDA, and JBS USA discloses the names and titles of the following persons who had primary responsibility for managing or overseeing the reporting or transmitting of that data from JBS USA directly to the USDA between January 1, 2007 and June 30, 2018.

- Ryan Andersland, Processor Sales
- Jeff Greene, Margin Management

Based upon the information readily available to JBS USA at this time, and without prejudice to or waiver of JBS USA's right to supplement, modify, or amend these disclosures as its investigation and discovery in this matter continue, there was no person with primary responsibility for managing or overseeing the reporting and transmitting of data from the USDA

relating to pork pricing, supply, slaughter, inventory, export, or production levels between January 1, 2007 and June 30, 2018.

Based upon the information readily available to JBS USA at this time, and without prejudice to or waiver of JBS USA's right to supplement, modify, or amend these disclosures as its investigation and discovery in this matter continue, there was no person at JBS USA with primary responsibility for managing or overseeing the reporting and transmitting of data directly to and from Express Markets, Inc. or Urner Barry relating to pork pricing, supply, slaughter, inventory, export, or production levels between January 1, 2007 and June 30, 2018, nor did JBS USA transmit data directly to Express Markets, Inc. or Urner Barry relating to pork pricing, supply, slaughter, inventory, export, or production levels between January 1, 2007 and June 30, 2018.

b) "Bottom Line" Report

Based upon the information readily available to JBS USA at this time, and without prejudice to or waiver of JBS USA's right to supplement, modify, or amend these disclosures as its investigation and discovery in this matter continue, JBS USA is not aware of (and did not receive) any Agri Stats report entitled the "Bottom Line Report" between January 1, 2007 and June 30, 2018.

c) Analyzing Competitor Data

Based upon the information readily available to JBS USA at this time, and without prejudice to or waiver of JBS USA's right to supplement, modify, or amend these disclosures as its investigation and discovery in this matter continue, there was no person at JBS USA with primary responsibility for analyzing data received from Agri Stats to identify data pertaining to specific competitors between January 1, 2007 and June 30, 2018.

d) Other Surveys

JBS USA interprets “other surveys” to refer to surveys other than those that may have been distributed to Agri Stats subscribers by Agri Stats. Based upon the information readily available to JBS USA at this time, and without prejudice to or waiver of JBS USA’s right to supplement, modify, or amend these disclosures as its investigation and discovery in this matter continue, JBS USA did not receive any other survey of pork producers that concerns the profitability, supply, or pricing of pork products between January 1, 2007 and June 30, 2018.

5. Disclosure Order (a)(i)(5): Transactions with Other Pork Producers

Based upon the information readily available to JBS USA at this time, and without prejudice to or waiver of JBS USA’s right to supplement, modify, or amend these disclosures as its investigation and discovery in this matter continue, the above-referenced organizational charts are sufficient to show the names and titles of individuals who supervised the departments responsible for pork sales to, purchases from, trades with, and co-packing transactions with other pork producers between January 1, 2007 and June 30, 2018. Those currently supervising the relevant departments are:

- Tim Hiller, Head of Processor Sales
- Kristina Lambert, Head of Consumer Ready Products

6. Disclosure Order (a)(i)(6): Trade Association Membership

As a preliminary matter, JBS USA disputes that mere membership in a trade association or meeting attendance by an executive with “primary responsibilities that include determining or setting pork pricing, supply, slaughter, inventory, export, or production levels” might be suggestive of any role in Plaintiffs’ alleged conspiracy. Based upon the information readily available to JBS USA at this time, and without prejudice to or waiver of JBS USA’s right to supplement, modify, or amend these disclosures as its investigation and discovery in this matter continue, JBS USA did

not maintain records of each of its executives' current or prior participation as an officer, board member, or formally-designated participant in any trade association between January 1, 2007 and June 30, 2018; but discloses the names and titles of the following individuals who, with the exception of Mr. Nogueira, meet that criteria:

National Pork Board

- Dr. Matthew Turner, Head of Live Operations, Board Member

National Pork Producers Council

- Jerry Brooks, Head of Hog Procurement, Competitive Markets Committee Member
- Dr. Matthew Turner, Head of Live Operations, Board Member

North American Meat Institute

- Andre Nogueira, Chief Financial Officer; President and Chief Executive Officer, Board Member²

7. Disclosure Order (a)(i)(7): Additional Executives with Primary Responsibilities Regarding Pricing, Supply, Slaughter, Inventory, Export, or Production Levels

Based upon the information readily available to JBS USA at this time, and without prejudice to or waiver of JBS USA's right to supplement, modify, or amend these disclosures as its investigation and discovery in this matter continue, the above-referenced organizational charts are sufficient to show the names and titles of executives with the title of Director, Vice President, or higher, or certain limited executives with the title of Manager, whose primary responsibilities include determining or approving a Defendant's own pricing, supply, slaughter, inventory, export, or production levels between January 1, 2007 and June 30, 2018, including the following who currently have such primary responsibilities.

² Mr. Nogueira's "primary responsibilities" do not include "determining or setting pork pricing, supply, slaughter, inventory, export, or production levels."

- Garry Albright, Head of Business Analysis, Transportation, Scheduling
- Jerry Brooks, Head of Hog Procurement
- Martin Dooley, Pork President & Chief Operating Officer
- Roger Goulding, Head of International Sales
- Tim Hiller, Head of Processor Sales
- Bob Krebs, Head of Pork Operations
- Kristina Lambert, Head of Consumer Ready Products
- Brad Lorenger, Head of Boxed Pork Sales
- Dr. Matthew Turner, Head of Live Operations

B. Disclosure Order (b): Email Systems

Based upon the information readily available to JBS USA at this time, and without prejudice to or waiver of JBS USA's right to supplement, modify, or amend these disclosures as its investigation and discovery in this matter continue, JBS USA discloses the following email systems were used between January 1, 2007 and June 30, 2018.

- Microsoft Exchange (January 1, 2007 – June 30, 2018)
 - Exchange 2013 (November 2015 – June 30, 2018)
 - Exchange 2010 (version start date not readily available – November 2015)
 - The applicable dates for prior versions of Microsoft Exchange used since January 1, 2007 are not readily available.

Based upon the information readily available to JBS USA at this time, and without prejudice to or waiver of JBS USA's right to supplement, modify, or amend these disclosures as its investigation and discovery in this matter continue, JBS USA discloses the following email journaling systems were used between January 1, 2007 and June 30, 2018.

- CommVault Simpana (April 2014 – June 30, 2018)
 - Version 11 (September 2017 – June 30, 2018)
 - Version 10 (April 2014 – September 2017)
 - Version 9 (April 2014)
- Postini
- MX Logic

Without prejudice to or waiver of JBS USA's right to supplement, modify, or amend these disclosures as its investigation and discovery in this matter continue, applicable dates for different versions of MX Logic and Postini used between January 1, 2007 and June 30, 2018 are not readily available.

Based upon the information readily available to JBS USA at this time, and without prejudice to or waiver of JBS USA's right to supplement, modify, or amend these disclosures as its investigation and discovery in this matter continue, JBS USA discloses that there is no known limit to the time period or number of days for which email was retained on JBS USA's Microsoft Exchange email system.³ Prior to the application of any litigation hold in effect, users were permitted to manually delete emails at any time from the Microsoft Exchange email system, but had no ability to manually delete emails from any version of Simpana, Postini, or MX Logic used by JBS USA between January 1, 2007 and June 30, 2018.

³ Based upon the information readily available to JBS USA at this time, and without prejudice to or waiver of JBS USA's right to supplement, modify, or amend these disclosures as its investigation and discovery in this matter continue, JBS USA discloses that no emails were removed from any user mailboxes on the basis of the temporal retention limits listed in document retention and/or destruction policies endorsed with Bates numbers JBS-PORK-00000330 – JBS-PORK-00000333.

C. Disclosure Order (c): Non-Custodial Data Sources

Based upon the information readily available to JBS USA at this time, and without prejudice to or waiver of JBS USA's right to supplement, modify, or amend these disclosures as its investigation and discovery in this matter continue, JBS USA discloses the following list of JBS USA's known non-custodial data sources likely to contain discoverable ESI. Databases that may contain discoverable "structured data" are preceded by an asterisk.

- *AS/400 (server)
- *Commodity Procurement System ("CPS") (third-party software with data in Oracle database)
- Network shared drives (*e.g.*, departmental shares)
- *PeopleSoft (finance and human resources application with data in Oracle database)
- *SAP ERP (Enterprise Resource Planning) Platform (finance and human resources application with data in SQL database)
- SharePoint (file sharing and collaboration tool with data in SQL database)

D. Disclosure Order (d): Document Retention Policies

In connection with these limited disclosures and pursuant to the Disclosure Order, JBS USA has already produced and hereby further produces readily available document retention and/or destruction policies, including policies or systems that required automatic deletion of certain types of documents or data (*e.g.*, email) after a certain period, that applied to documents and data likely to be relevant to the claims or defenses in this case, and that were in effect at any time between January 1, 2007 and June 30, 2018, which are endorsed with Bates numbers JBS-PORK-00000287 – JBS-PORK-00000292 and JBS-PORK-00000322 – JBS-PORK-00000337. These documents have been marked "Confidential" pursuant to the terms of the Protective Order.

E. Disclosure Order (e): Employee Technology Use Policies

In connection with these limited disclosures and pursuant to the Disclosure Order, JBS USA has already produced and hereby further produces readily available employee technology use policies that were in effect at any time between January 1, 2007 and June 30, 2018, which are endorsed with Bates numbers JBS-PORK-00000293 – JBS-PORK-00000306 and JBS-PORK-00000338 – JBS-PORK-00000380. These documents have been marked “Confidential” pursuant to the terms of the Protective Order.

F. Disclosure Order (f): Inaccessible Data Sources

Based upon the information readily available to JBS USA at this time, and without prejudice to or waiver of JBS USA’s right to supplement, modify, or amend these disclosures as its investigation and discovery in this matter continue, JBS USA discloses the following list of known data sources that may contain discoverable ESI and that JBS USA asserts are not reasonably accessible under Rule 26(b)(B) or Rule 26(b)(2)(C)(i): (1) deleted, slack, fragmented, corrupt or unallocated documents and data, including documents and data retained from Postini that may have become corrupt; (2) residual data from internet or other online activities, including, but not limited to, temporary internet files, history, cache and cookies; (3) random access memory (RAM) or other ephemeral data that is difficult to preserve without disabling an operating system and server or system logs; (4) documents and data maintained on disaster recovery tapes, back-up drives, or stored by other disaster proofing methods; (5) documents, data and databases for which applications no longer exist or are no longer maintained; and (6) documents, data, and ESI retained in offsite storage locations.

For the avoidance of doubt, not listing a data source pursuant to this subsection of the Disclosure Order does not constitute an admission by JBS USA that its contents are reasonably accessible, even if relevant. By identifying these sources, JBS USA does not concede that they

necessarily contain relevant information, and even if relevant, such information may be duplicative of information available from other sources.

Dated: March 15, 2019

/s/ Sami H. Rashid

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CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2019, I caused a true and correct copy of JBS USA Food Company's Amended Disclosures Pursuant to the Court's February 7, 2019 Order (Dkt. 290) to be served upon counsel of record via electronic mail.

/s/ Richard T. Vagas

Richard T. Vagas (*pro hac vice*)

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